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Remarks by Lord Avebury, chairman of the UK Parliamentary Human Rights Group, before the United Nations Committee on Decolonisation, Friday 1986 August 15

I see that the Indonesian Ambassador to the United Nations, Mr Ali Alatas, is reported as having told you on August 4 that:-

> "Decolonisation of East Timor has been carried out in conformity with the provisions of the Charter of the United Nations, ...thus terminating the colonial status of the former territory".

He argues that you should not hear petitioners on this question, and he alleges that by doing so you are interfering in matters which are essentially within the sovereign jurisdiction of a member state.

With respect to Mr Alatas, the General Assembly has taken cognisance of this matter regularly, and if it were to consider taking it off the agenda now, it would have to be shown that the people of East Timor did not have a right of self-determination after all, or that the rules governing the exercise of this right, laid down by the United Nations themselves, had been satisfied.

Mr Alatas very wisely contents himself with the bare assertion that East Timor is no longer a proper subject for consideration by your Committee, and does not attempt to argue the case in detail. He refers to the formal act by which Indonesia purported to integrate East Timor into the Republic of Indonesia, and he makes the astonishing claim that the people had opted for this solution in a plebiscite. I cannot think of a more brazen attempt to falsify history, and I am sure that the real sequence of events is well-known to your Committee already. For the record, however, I briefly recapitulate the tragic events which led to the illegal occupation of East Timor by Indonesia.

In April 1974 the Salazarist dictatorship in Portugal was overthrown, and in June the new government of the Armed Forces Movement set out the three options for the future of East Timor as they saw them: continued association with Portugal, integration with Indonesia, and independence. Political parties had already been formed in May representing each of the three options; but the UDT, which advocated continued links with Portugal, nevertheless saw independence as the goal a few years ahead. Apodeti, the pro-integration Party, wanted East Timor to be autonomous, although this would have been impossible under the Indonesian Constitution.

Independent observers estimated the membership of Apodeti to be only a few hundred, in a population of 630,000. Its president and founder was an elderly princeling who had served a prison sentence for collaboration with the Japanese during the war. The Indonesians supported the Party with money and training, until it became glaringly obvious that nobody supported it.

The Indonesians claimed that 70% of the people were in favour of integration, but they never made the mistake of demanding a plebiscite or elections to a constituent assembly. They viewed with alarm the coalition between UDT and Fretilin, which meant that parties representing the overwhelming majority of the people had come together on a platform of immediate independence. They directed a vicious propaganda campaign against Fretilin, and thus contributed to the break up of the coalition in May 1975.

The Indonesians persuaded UDT that Fretilin were preparing a coup, so the UDT took preemptive action and seized power themselves on August 14. They then denied passage through Indonesian territory of a small Portuguese mission under Major Antonio Soares, sent by Lisbon to mediate between Fretilin and the UDT. The tactics of Jakarta were to create a situation of chaos and anarchy in the territory, so as to give them a plausible excuse for intervention, in spite of categorical assurances given to Australian prime Minister Whitlam that force would not be used.

Civil war broke out between UDT and Fretilin a few days later. The 2,000 Timorese troops which had been under Portuguese command joined Fretilin, with all their weapons, and the territory's main arms depot, which had been replenished recently, also fell into the hands of Fretilin. The fighting lasted just a little over two weeks, at the end of which Fretilin was in full control. The Portuguese governor, Lemos Pires, nevertheless withdrew to Atauro.

The remnants of the UDT force, numbering about 500 men and 2,500 dependants, fled across the frontier into Indonesia on September 4, and there they were forced to sign the petition for integration which had been concocted by the UDT quisling, Lopez da Cruz.

The perception of these events in western countries, carefully fostered by Indonesian propaganda, was that East Timor was likely to suffer a long ordeal of anarchy and civil strife. The British Ambassador in Jakarta advised the Foreign Office that Britain should not become involved, and that it was in our interests that Indonesia should "absorb the territory as soon and as soon and as unobtrusively as possible".

Fretilin had in fact restored order, and in the middle of September their Executive Committee issued a statement of policy which recognised Portugal's sovereignty and called for talks on the completion of the decolonisation process.

Meanwhile, Indonesia had sent troops into the territory clandestinely, hoping to link up with Apodeti elements in the Bobonaro-Atsabe area. However, in spite of the fact that Tomas Goncalves, the princeling of Atsabe, was a willing tool of the Indonesians, they found no popular support whatsoever for action against Fretilin.

This ploy having failed, the Indonesians resorted to an open attack on Balibo and Maliana, while still pretending that these operations were the work of UDT and Apodeti. You may well think

that their deceit stemmed from a fear of hostile reaction from the international community to such a flagrant violation of the UN Charter. Even if Indonesia had had a plausible title to sovereignty over East Timor, the use of force to assert it was a grave threat to world peace, not only in itself, but also for the encouragement it would give to others who might contemplate the use of force to alter political boundaries.

But of course they had no title, and are hoping they will be allowed to keep the proceeds of their crimes when the United Nations themselves, weary of trying vainly to uphold their principles, tacitly condone not only the original offence, but also the continuing savage repression of the East Timorese people.

May I also remind you that it was at Balibo that the invading forces murdered five newsmen in cold blood. The governments of the countries to which the men belonged, to their eternal shame, have sought no redress for the murders, which were committed deliberately to prevent the outside world from learning the truth.

Finally, the Indonesians landed in force at Dili on December 7, as has now been admitted publicly by Foreign Minister Mochtar Kusumaatmadju. He now agrees that 30,000 Indonesian troops were involved in a struggle which cost thousands of lives on both sides, proving that for years the Indonesians were deliberately lying about the nature and scale of the operation.

Once the Indonesians had gained control of Dili, they established a puppet "People's Representative Assembly",, which was neither "People's" nor "Representative", and only assembled for the purpose of rubber stamping a petition addressed to the President of Indonesia on 1976 May 31, asking for the territory to be integrated into Indonesia. This was supposed to be the "act of free choice", which the Indonesian aggressors realised they would have to create artificially, in order to satisfy the outside world.

As you know, the General Assembly, identifying the need to define the right of self-determination mentioned in Articles 1 and 55 of the Charter, as well as in Article 1 of the two Covenants, went on to produce the "Declaration on the granting of independence to colonial countries and peoples", Resolution 1514 (XV).

This Resolution asserts that:-

> "The subjection of peoples to alien subjugation, domination or exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of social peace and cooperation".

And further, that:-

> "All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their

> right to complete independence, and the integrity of their national territory shall be respected".
>
> "Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom".

The method by which the will of the people is to be made known, the United Nations has laid down, is either a plebiscite, or the vote of an assembly elected by universal adult franchise.

Now in the case of East Timor, the rules were violated, but an attempt was made to pass off a blatantly fraudulent and bogus process as the genuine article.

The armed forces of Indonesia were occupying the capital and 20% of the land area of the territory at the time.

No valid test of popular opinion could have been conducted.

The persons who did the bogus act, the so-called "People's Assembly", were appointed by the occupying power.

The General Assembly of the United Nations had adopted a resolution on 1975 December 12, which "strongly deplored" the invasion, calling on Indonesia

> "to desist from further violations of the territorial integrity of Portuguese Timor and to withdraw without delay its armed forces from the territory in order to enable the people of the territory freely to exercise their right to self-determination".

The General Assembly thus underlined the point that an essential condition for the validity of any act of self-determination was the absence of military forces of neighbouring powers from the territory concerned. The Indonesian authorities failed to comply with that resolution, and went on to conduct their fraudulent proceedings in a puppet assembly.

That bogus act does not <u>become</u> valid merely by the lapse of time, and the continued military occupation of the territory by Indonesia ten years afterwards serves to emphasise the indomitable resistance of the people to alien rule. For all these years, they have conducted a skilful and effective military operation against their oppressors, and in spite of the superiority of the invaders in weaponry and resources, they still control much of the countryside. This is the most effective possible evidence for our contention that the people do not accept what was done in their name.

As you know, the General Assembly in their Resolution of November

1982 called on the Secretary General

> "to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem".

I am submitting to the Committee a Declaration which has been signed by several hundred Parliamentarians from 14 countries, emphasising the need to consult the East Timorese people themselves as an essential part of this process. Indeed, the words of the Resolution could bear no other interpretation, and I have made representations to the Secretary General accordingly. Most recently, I sent him the text of messages I exchanged with Commander Xanana Gusmao of Falintil, the armed forces of Fretilin. I had asked whether Fretilin were prepared to meet the Secretary General and if so, what arrangements they would suggest. Commander Xanana Gusmao replied that he would like to extend a formal invitation to the Secretary General to meet either in East Timor, or abroad, subject to assurances on safe conduct. I transmitted this message to the Secretary General at the end of last year, asking him if he would make his wishes known and offering to communicate them to Fretilin. I am sorry to have to say that I received no answer to this initiative.

Since then, Fretilin and UDT have joined forces to campaign internationally for the right of self determination, so that now the consultations would be with a group as widely representative of the people as one could imagine. Yet so far, they have been ignored, and the Secretary General has continued to hold discussions exclusively with Indonesia and Portugal. In his progress report A/40/622 of 1985 September 11, for instance, he states:-

> "During the thirty-ninth session of the General Assembly, I continued my discussions with both sides".

This is of course totally unacceptable, as you can see by thinking of some parallel instances. Should the future of Namibia be decided by negotiations with South Africa, the occupying power, and Germany, the former colonial power? Should the future of Palestine be decided by Israel and Britain? Should the political status of Djibuti have been the exclusive concern of France and Ethiopia?

I would respectfully ask this Committee to clarify the matter, and ensure that the phrase "all parties directly concerned" is taken to include the people themselves. And if it is agreed that the words can be interpreted in no other way, perhaps the Committee might bring its influence to bear to bring Fretilin and their UDT partners into the discussions.

The Indonesians have had the effrontery to suggest that the so-called elections held in the territory in 1982 constituted a referendum, and this is no doubt what Mr Oliates had in mind in his statement to which I have already referred. Here I would point to the elections in Zimbabwe which brought Bishop Muzorewa to power for a short time. It was subsequently proved, as many of us had asserted at the time, that the elections could not be

treated as a proper test of popular opinion, because they excluded the freedom movements. In East Timor, the limitations are even more severe, with the occupying power not only deciding which parties can stand, but also approving each individual candidate. This will be equally true of the elections held next year, and I hope you will affirm the illegality of the process.

The Indonesians also try to confuse the argument by making comparisons between their rule of the territory and that of their Portuguese predecessors. South Africa claims that its inhabitants enjoy a higher standard of living than some of its neighbours, but this has never been accepted as a valid argument for the denial of freedom. The Indonesians go in for a different form of colonialism than the Portuguese: they bring in officials from other parts of their empire to run the administration, whereas the Portuguese were happy to rely on the feudal system which already existed there. But even the Indonesian appointed governor, Mario Carrascalao, has protested against these outside appointments and the corruption that accompanies them. In the history of colonialism, it has been shown time and again that subject peoples will not accept economic improvements as a substitute for self-rule.

I am very sad to have to say that some member states appear to be influenced more by commercial than moral considerations in determining their approach to this problem. The government of my own country is keen to sell weapons to Indonesia, and their successes have muted their criticisms of human rights abuses by such an excellent customer. The Australians, having located promising oil finds in the sea between their mainland and the island of Timor, need to demarcate the median line and have actually recognised the occupation as permanent.

In the longer term, however, the whole world is going to be the loser if the structure of rules for the conduct of international affairs, and particularly those concerning self-determination, which have been carefully and painstakingly built up over the forty years' existence of the United Nations, are torn up with the consent of the very organisation which created them. It would be doubly perilous if the lesson were to be drawn that a large and powerful state can always prevail in an argument with small neighbours, whatever the United Nations may say. The maintenance of peace and order in a world of states having widely varying goals and differing political systems depends on the acceptance of constraints, and where acceptance breaks down, their enforcement by the nonviolent influence of international opinion. If this system breaks down, there will be anarchy, and the great powers will be tempted increasingly to get their way by the use of force. And since the interests of the great powers often clash, the risk of a major war will be seriously worsened.

I earnestly appeal to this Committee to uphold the rule of law, and the rights of a small people to walk the same road to freedom as almost every other former colony has enjoyed. The people of East Timor, with their tenacious stand for the liberties your Committee exists to promote and extend, appeal to you for help. Their noble struggle is one of the great epics in the history of mankind's painful advance towards a better form of political and

social organisation, and they deserve the solidarity and encouragement of anti-colonialists everywhere in the world.